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March 12, 2020

VIA CM/ECF

Honorable Glenn T. Suddaby
 United States Chief Judge
 Federal Building and U.S. Courthouse
 P.O. Box 7367
 Syracuse, NY 13261

Re: *Denise Payne v. Cornell University*
Civil Index No.: 3:18-cv-01442

Dear Your Honor,

Please be advised, the undersigned represents Plaintiff Denise Payne (“Plaintiff”) in the above referenced matter. The undersigned writes to respectfully request a brief extension of the current Motion for Summary Judgment briefing schedule and an adjournment of the return date of Defendant Cornell University’s (“Defendant’s”) Motion for Summary Judgment. Currently, Plaintiff’s opposition is to be served on or before March 16, 2020 and Defendant’s reply papers and filing of the motion papers is due on or before March 23, 2020, and the submission return date for Defendant’s motion for summary judgment is April 2, 2020. The undersigned has conferred with Defendant’s counsel who does not object to this request. This is Plaintiff’s first request to extend the current Motion for Summary Judgment briefing schedule and adjourn the Motion for Summary Judgment return date.

The basis for this request is that the undersigned, who is lead counsel on this matter and is the counsel solely responsible for drafting Plaintiff’s opposition to Defendant’s motion for summary judgment, has experienced significant scheduling conflicts which has severely affected counsel’s ability to assess and respond to Defendant’s motion. First, the undersigned was scheduled to conduct depositions and a mediation in Schenectady, New York from March 9th – March 10th, 2020. In addition, the undersigned has been focused extensively on preparation for an upcoming oral argument before the Eighth Circuit Court of Appeals in the matter of *Tom Rossley v. Drake University, et al.*, Eighth Circuit Court of Appeals, Case No. 19-1392, and is scheduled to be in St. Paul, Minnesota from March 11th – March 12th for the upcoming appellate oral argument. In addition, the undersigned’s family member recently passed away necessitating her appearance funeral of Shiva services over the March 13 through March 15 weekend.

In light of the foregoing, the undersigned’s ability to work with Plaintiff and perfect Plaintiff’s opposition papers has been significantly hindered and the undersigned requires additional time to complete and file Plaintiff’s opposition papers.



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With the Court's permission, the parties have conferred and the undersigned respectfully proposes the following modified briefing schedule:

Plaintiff's deadline to serve opposition papers March 30, 2020

Defendant's deadline to serve reply papers
And file all motion papers April 6, 2020

Return Date for Defendant's motion for summary
Judgment, on submission April 16, 2020

Counsel remains available should the court have any questions or concerns regarding this application. Thank you.

Very truly yours,
NESENOFF & MILTENBERG, LLP

By: /s/ Gabrielle Vinci
Gabrielle M. Vinci, Esq.

CC: All Counsel